

## **COURT ORDERED QUESTIONNAIRE**

**UNITED STATES v. CLAYTON BROTHERS, 5:15-CR-198 (BKS)**

**NAME AND ADDRESS OF DEFENDANT:**

Clayton Brothers  
Oneida County Jail  
6075 Judd Road  
Oriskany, NY 13424

**NAMES AND ADDRESSES OF GOVERNMENT ATTORNEY, CASE AGENTS AND DEFENSE ATTORNEYS:**

Richard S. Hartunian  
United States Attorney  
Albany, New York 13260

Douglas G. Collyer  
U.S. Attorney's Office NDNY  
Gateway Building  
14 Durkee Street, Suite 340  
Plattsburgh, NY 12901

Agent Christopher Revord  
Homeland Security Investigations  
Massena, NY

Daniel DeMaria, Esq.  
535 Fifth Ave  
Suite 2590  
New York, NY 10017

**STATEMENT OF FACTS:**

On July 15, 2015, a federal grand jury returned a five-count indictment charging the defendant with a violations of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) (Possession of a Firearm by a Prohibited Person and Possession of Ammunition by a Prohibited Person). Generally, the Indictment charges that in or about April 2014 in the Northern District of

New York, the defendant, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, firearms and more than 1,000 rounds of ammunition.

The proof will show that in or about April 2014 at his home at 861 Blanchard Hill Road in Russell, New York, the defendant, Clayton Brothers, possessed a Sig Sauer 556 pistol, a DPMS Carbine 5.56mm caliber semi-automatic rifle, a Colt Law Enforcement Carbine 5.56 mm caliber semi-automatic rifle, a Savage Arms .22 caliber/.410 gauge combination firearm and more than 1,000 rounds of 5.56 mm caliber NATO Lake City XM855 Grain Steel Penetrator ammunition after having a prior felony conviction in Pennsylvania.

Homeland Security Investigations Special Agent Chris Revord will testify about his interview with the defendant on May 12, 2015.

New York State Police Investigator Chris Nye and New York State Parole Officer Chris Lawrence will testify about securing the firearms and ammunition from the defendant's residence on April 29, 2014.

John Parker will testify to his actions on April 28 and 29, 2014.

Jamie Brothers and Robyn Hicks will testify to their relationship with the defendant, their interactions with the defendant and home life at 861 Blanchard Hill Road.

Customs and Border Protection Paralegal Specialist Teri Johnson will testify to the defendant's response on the Notice of Seizure Petition.

Bureau of Alcohol, Tobacco, and Firearms Special Agent Jason Stocklas will testify about the interstate nexus of the firearms and ammunition.

The government will also introduce photos of the residence, the firearms, ammunition, and

accessories, defendant's credit card statements, and receipts showing the purchase of the accessories.

**LAY WITNESSES:**

- (1) Jamie Brothers;
- (2) Robyn Hicks;
- (3) John Parker
- (4) The Government also anticipates calling a representative from Cheaperthandirt.com to introduce receipts, but we have not yet been provided with the name of the witness who will be made available to testify.
- (5) The Government also anticipates calling a representative from JP Morgan Chase to introduce bank records, but we have not yet been provided with the name of the witness who will be made available to testify.

**POLICE WITNESSES:**

- (1) Christopher Revord, Agent, HSI;
- (2) Peter Kraengel, Investigator, NYSP;
- (3) Christopher Nye, Investigator, NYSP;
- (4) Christopher Lawrence, Officer, NY Parole;
- (5) Teri Johnson, CBP

**EXPERT WITNESSES:**

- (1) Jason Stocklas, Agent, ATF

**COUNTS OF THE INDICTMENT:**

<u>Count</u>	<u>Violation</u>	<u>Description</u>
One	18 U.S.C. § 922(g)(1) and 924(a)(2)	Possession of a Firearm by a Prohibited Person
Two	18 U.S.C. § 922(g)(1) and 924(a)(2)	Possession of a Firearm by a Prohibited Person
Three	18 U.S.C. § 922(g)(1) and 924(a)(2)	Possession of a Firearm by a Prohibited Person

Four	18 U.S.C. § 922(g)(1) and 924(a)(2)	Possession of a Firearm by a Prohibited Person
Five	18 U.S.C. § 922(g)(1) and 924(a)(2)	Possession of Ammunition by a Prohibited Person

**AFFIRMATIVE DEFENSES:**

None Known

Dated: March 14, 2016  
Plattsburgh, NY

Respectfully submitted,

RICHARD S. HARTUNIAN  
UNITED STATES ATTORNEY

BY: *s/Douglas G. Collyer*  
Douglas G. Collyer  
Assistant U.S. Attorney  
Bar Roll No. 519096

The Government certifies that this trial questionnaire was sent to defense counsel via ECF filing on March 14, 2016.

RICHARD S. HARTUNIAN  
UNITED STATES ATTORNEY

BY: *s/Douglas G. Collyer*  
Douglas G. Collyer  
Assistant U.S. Attorney  
Bar Roll No. 519096